

RULE 40.
ASSIGNMENT OF CASES

(b) Methods. All parties shall file a request for trial setting utilizing the format set forth in Form 1 located in the Appendix to these Rules and shall include a list of persons entitled to notice with their addresses. All parties have the obligation to inform the Court Administrator promptly of any errors or changes in this list. A copy of the request shall be provided to the opposing party or his or her attorney and to the Court Administrator. Ten days after receipt of the first request, the Court Administrator shall schedule the trial. All trial settings will be mailed by the Court Administrator to the parties at the addresses provided in the Note for Trial and Statement of Arbitrability unless a party has submitted a completed authorization to receive notification by email to the Court Administrator. Forms for authorizing notification by email are available from the Court Administrator.

(d) Trials.

(1) Trial Briefs. Trial briefs shall be submitted in all cases. The submitting party shall file the original with the Clerk and provide a bench copy to the Judge and one copy to each opposing party. Plaintiff's brief shall be served and filed not less than four days before the trial and Defendant's brief by noon of the court day before the trial.

(2) Jury Trials. Counsel shall report to the Judge at least one-half hour before the scheduled beginning of a jury trial and provide the Judge with a written list of the names and city of residence of witnesses and general voir dire questions to be asked of the jury. Counsel shall be prepared to present any final pretrial matters to the Court. Pretrial matters requiring argument shall be noted for hearing prior to the morning of the trial. Jury trials should be conducted with minimal interruptions of the jury's time. To this end, matters which need to be heard outside the presence of the jury should be anticipated so that they can be considered during jury breaks or before or after the jury's day. Unless otherwise ordered or agreed, plaintiffs shall occupy the counsel table closest to the jury.

(e) Continuances. Motions for trial continuances shall be in writing. Continuances of trials may be granted only by a Judge in writing for good cause shown. Continuances shall be to a date certain which shall be obtained through the Court Administrator.

(g) Pre-assignment of Cases.

(1) By the Court. The Judges may select those cases deemed appropriate for pre-assignment due to length of trial or complexity of issues. The Court shall notify the parties of any pre-assignment.

(2) By Motion. The parties by stipulation may request that a case be pre-assigned, or any party may place a motion for pre-assignment upon the appropriate motion calendar.

(3) Affidavits of prejudice against the assigned Judge which are not based on actual cause will be deemed waived unless filed by a party before receiving notice of pre-assignment.

(4) All Matters to be Heard by Pre-assigned Judge. Once a case has been pre-assigned, all subsequent matters and proceedings except settlement conferences shall be heard before the assigned judicial officer, if available.

(h) Notice of Calendar and Trial Changes. Whenever a cause which has been set for trial is settled or will not be tried for any reason, or if a jury is subsequently waived, the parties shall immediately notify the Court Administrator. If it becomes apparent that the time allocated for a trial will not be adequate to complete the trial, the parties shall promptly notify the Court Administrator of that fact and of the time necessary to complete the trial. The Court may assess actual costs or other sanctions for a violation of this rule.
